



September 20, 2007

MEMO ENDORSED
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The Honorable Richard M. Berman
Southern District of New York
40 Centre Street
New York, NY 10007

Re: Adjournment and Extension of Time for QTS vs. CheckM8 (07 CV 7458):

Dear Judge:

My name is Dana Ghavami, CEO of CheckM8 Inc., the defendant in the complaint filed by the plaintiff Quality Technology Services Holding LLC. I would like to first and foremost bring to your attention that I first learned about the complaint while abroad in Israel visiting our Research & Development offices. Upon being notified by our New York office, I personally attempted contact and eventually reached the attorneys representing the Plaintiff by phone on September 5, 2007 and explained my personal circumstances of being out of country and without counsel to respond in the timeframe required by the summons. We agreed to extend the timeframe of our response to October 1, 2007 and I followed up with J. Gregory Lahr of Sedwick, Detert, Moran & Arnold in anticipation of a stipulation to such effect, who kindly prepared one and provided it by e-mail on September 10, 2007. I immediately signed and e-mailed a scanned copy to Mr. Lahr's attention who mentioned a counter-signed copy was e-filed with the court in advance of the original due date of September 12, 2007. I have requested confirmation of such filing several times since then and have yet to receive it. I am concerned that upon discussion with a clerk from your office today, there has yet to be a record of it in your database. I am under the assumption it has been filed and received by your Honor.

Further, I just learned today by e-mail from Mr. Lahr that we have a pre-trial conference scheduled on September 24, 2007. Mr. Lahr additionally mentioned by e-mail today that I have the Plaintiff's consent to request and adjournment while I retain counsel and prepare an answer to the complaint. I would like to inform your Honor that I take this matter very seriously and will respond very diligently with well-documented facts that challenge the claim, however it is a time-intensive matter to find appropriate counsel for my company and this represents the first time in our seven year company history for me to retain such counsel in New York. I am still in the process of retaining an attorney to represent the case on our behalf and would be greatly appreciative if your Honor may further extend my original and consensual request by stipulation for additional time to respond until October 19, 2007 and adjourn the first pre-trial hearing until November 19, 2007.

CheckM8, Inc.
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I eagerly request and would be very grateful for such extensions in time to respond and appear before your Honor in a hearing, being that I am hopeful to retain appropriate counsel for this matter by the week of October 1, 2007. I believe it is reasonable to assume up to two weeks for our attorney to become familiar with the case from that point in time and be able to prepare a response by the end of the third week of involvement in our defense. I further estimate with assumed reason that the attorneys for both Quality Technology Services as the Plaintiff and CheckM8 as the Defendant will require up to a month prior to a pre-trial hearing to review our response and carry any relevant considerations between the companies before bringing the case to court. For your reference your Honor, the summons for civil action was very sudden and a surprise to us. I would like your Honor to note the Plaintiff has not attempted to contact us even once beyond a single letter mailed on March 16, 2007 claiming us in default of our Agreement and a balance significantly lower than that filed with the court would be turned over to a collection agency. I believe the parties should have due time to consider the facts of the claim and our answer before bringing this matter in front of your Honor.

Please do not hesitate to contact me for any further information by phone at 212-268-0148 or fax at 888-268-8558. Thank you very much for your attention and consideration to this matter.

Adjoined to 10/19/07 @ 9:00 A.M.	
SO ORDERED:	
Date: 9/21/07	Richard M. Berman Richard M. Berman, U.S.D.J.

Very truly yours,

CheckM8, Inc.

By:

Dana Ghavami
 Chief Executive Officer